

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:15-cv-00214-FDW-DSC

PGI POLYMER, INC.,)
)
Plaintiff/Counterclaim Defendant,)
)
v.)
)
CHURCH & DWIGHT CO., INC., <i>et al.</i> ,)
)
Defendants/Counterclaimants.)

ANSWER TO COUNTERCLAIMS OF DEFENDANT LAMI PRODUCTS, INC.

Pursuant to Rules 12 and 15 of the Federal Rules of Civil Procedure, Plaintiff and Counterclaim Defendant PGI Polymer, Inc. (“PGI Polymer”), answers the Counterclaims of Defendant LaMi Products, Inc. (“LaMi”) [Docket No. 41, 8–11] as follows:

Background of the Counterclaims

1. PGI Polymer admits the allegations in Paragraph 1 of the Counterclaims.
2. PGI Polymer admits the allegations in Paragraph 2 of the Counterclaims.
3. PGI Polymer admits the allegations in Paragraph 3 of the Counterclaims.
4. PGI Polymer admits the allegations in Paragraph 4 of the Counterclaims.

Answer to the First Counterclaim

5. Paragraph 5 requires no response.
6. PGI Polymer denies the allegations in Paragraph 6 of the Counterclaims.
7. PGI Polymer denies the allegations in Paragraph 7 of the Counterclaims.

8. PGI Polymer denies the allegations in Paragraph 8 of the Counterclaims.

Answer to the Second Counterclaim

9. Paragraph 9 requires no response.
10. PGI Polymer denies the allegations in Paragraph 10 of the Counterclaims.
11. PGI Polymer denies the allegations in Paragraph 11 of the Counterclaims.
12. PGI Polymer denies the allegations in Paragraph 12 of the Counterclaims.

Answer to the Third Counterclaim

13. Paragraph 13 requires no response.
14. PGI Polymer admits that LaMi seeks cancellation of its U.S. Trademark Registration No. 1,175,550, but it denies that LaMi has pleaded a claim upon which relief can be granted.

15. PGI Polymer denies the allegations in Paragraph 15 of the Counterclaims.
16. PGI Polymer denies the allegations in Paragraph 16 of the Counterclaims.
17. PGI Polymer denies each and every other allegation of the Counterclaims not specifically admitted herein.

18. PGI Polymer denies that LaMi is entitled to any of the relief it seeks.

Defenses and Affirmative Defenses

PGI Polymer also asserts the following defenses and affirmative defenses in response to LaMi's counterclaims:

1. LaMi fails to state a claim upon which relief can be granted.
2. LaMi's counterclaims are barred, in whole or in part, by LaMi's unclean hands.
3. LaMi's counterclaims are barred, in whole or in part, by the doctrine of laches.
4. LaMi's counterclaims are barred, in whole or in part, because LaMi will not suffer any injury or damage from the continued registration of Plaintiff's trademark.

Jury Demand

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff/Counterclaim Defendant PGI Polymer, Inc., hereby demands a jury trial as to all issues so triable.

Respectfully submitted,

Dated: September 28, 2015

s/ Jason M. Sneed
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CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2015, I electronically filed the foregoing *Answer to Counterclaims of Defendant LaMi Products, Inc.* with the Clerk of Court using the CM/ECF system. Service of the same on Defendants will be accomplished through the Notice of Electronic Filing, in accordance with LCvR 5.3.

s/ Jason M. Sneed

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